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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR04-573-JCC
10 v.)
11 WYATT WADE NANPOOYA,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on December 6, 2011. The United States was represented by AUSA Justin Arnold and the
16 defendant by Paula Deutsch. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about October 14, 2005 by the Honorable John C.
18 Coughenour on a charge of Possession with Intent to Distribute Methamphetamine, and
19 sentenced to 59 months custody, 5 years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from possessing a firearm, submit to mandatory drug
22 testing, abstain from alcohol, participate in substance abuse treatment, submit to search,

01 provide his probation officer with financial information upon request, maintain a single
02 checking account for all financial transactions, divulge any business interests and disclose all
03 assets and liabilities. (Dkt. 26.)

04 On December 11, 2009, defendant's probation officer reported that defendant violated
05 the conditions of supervision by consuming alcohol and committing the crime of trespass.
06 (Dkt. 33.) Defendant was directed to obtain a chemical dependency evaluation and follow all
07 treatment recommendations. No further action was taken at the time. Defendant's probation
08 reported on March 24, 2010 that defendant violated the conditions of supervision by failing to
09 report for drug and alcohol testing, failing to notify his probation officer within 72 hours of
10 contact with law enforcement, and consuming alcohol. Subsequently, defendant completed
11 inpatient treatment and was enrolled in outpatient treatment. No further action was taken at
12 the time. (Dkt. 34.) On October 26, 2010 defendant's probation officer reported that defendant
13 failed to report for drug testing. Since defendant was participating in substance abuse
14 treatment and all urine samples had been negative, no further action was taken at the time. (Dkt.
15 35.)

16 On September 19, 2011, the conditions of supervision were modified to require
17 defendant to reside in and successfully participate in a residential reentry center program for up
18 to 120 days. (Dkt. 36.)

19 In an application dated (Dkt. 37, 38), U.S. Probation Officer Thomas J. Fitzgerald
20 alleged the following violations of the conditions of supervised release:

21 1. Failing to reside in and successfully participate in a residential reentry center
22 program by being terminated from the program on November 29, 2011, in violation of a special

01 condition of supervised release.

02 2. Consuming alcohol on or about November 28, 2011, in violation of special
03 condition number three of his supervised release.

04 3. Failing to report to the probation officer as directed on November 29, 2011, in
05 violation of standard condition number two of his supervised release.

06 Defendant was advised in full as to those charges and as to his constitutional rights.

07 Defendant admitted violations 1-3 and waived any evidentiary hearing as to whether
08 they occurred. (Dkt. 39.)

09 I therefore recommend the Court find defendant violated his supervised release as
10 alleged in violations 1-3, and that the Court conduct a hearing limited to the issue of disposition.

11 The next hearing will be set before Judge Coughenour.

12 Pending a final determination by the Court, defendant has been detained.

13 DATED this 6th day of December, 2011.

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16 Mary Alice Theiler
United States Magistrate Judge

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18 cc: District Judge: Honorable John C. Coughenour
AUSA: Justin Arnold
19 Defendant's attorney: Paula Deutsch
Probation officer: Todd Sanders, Thomas Fitzgerald
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